

FILED
U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NATIONAL CASUALTY COMPANY,

Plaintiff,

10/8/04 10:30 AM 14

C. A. No. 04-10167-MLW U.S. DISTRICT COURT
DISTRICT OF MASS.

v.

FIRST STATE INSURANCE GROUP,

Defendant.

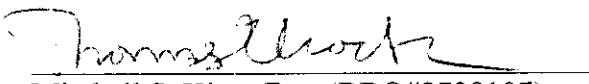
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**DEFENDANT FIRST STATE INSURANCE GROUP'S MOTION TO
DISMISS PLAINTIFF NATIONAL CASUALTY COMPANY'S AMENDED PETITION**

Defendant First State Insurance Group ("First State") respectfully moves this Court for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing National Casualty Company's Amended Petition to Vacate Arbitral Award and for Other Relief. In support of this Motion, First State relies on the accompanying Memorandum of Law in Support of its Motion to Dismiss the Amended Petition.

First State Insurance Group

By its attorneys,



Mitchell S. King, Esq. (BBO#2728107)
Thomas M. Elcock, Esq. (BBO #548027)
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585 Commercial Street
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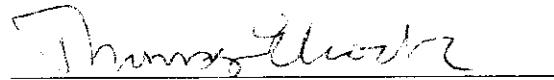
-and-

Mound, Cotton, Wollan & Greengrass
One Battery Park Plaza
New York, NY 10004
(212) 804-4200

Dated: October 8, 2004

CERTIFICATE OF SERVICE

I, Thomas M. Elcock, hereby certify that on October 8, 2004, I served First State Insurance Group's Motion to Dismiss National Casualty Company's Petition to Vacate Arbitral Order and Enjoin Further Arbitral Proceedings, Or, in the Alternative, Remand, by causing copies to be delivered via ~~faxsimile~~, hand delivery and ~~first class mail, postage prepaid~~, to counsel of record for all parties.



Thomas M. Elcock

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NATIONAL CASUALTY COMPANY,

Plaintiff,

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UNITED STATES DISTRICT COURT
DISTRICT OF MASS.

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that, pursuant to L.R., D. Mass 7.1(A)(2), counsel for both parties conferred on October 8, 2004 by telephone in a good faith attempt to resolve and narrow the issues raised in Defendant First State Insurance Group's Motion to Dismiss Plaintiff National Casualty Company's Amended Petition

First State Insurance Group

By its attorneys,



Mitchell S. King, Esq. (BBO#2728107)
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